IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.813 OF 2004
IN
SUMMARY SUIT NO.4185 OF 1999

Priti Paresh Mehta .. Plaintiff

Vs.

M/s.Alurkar Music House .. Defendants

Mr.P.V.Shah for the plaintiffs

Mr.P.N.Patwardhan for the defendants

CORAM : S.U.KAMDAR, J

DATED : 25TH APRIL 2005

P.C.:

. The present Chamber Summons is taken out under Order XXI Rule 2 of the Code of Civil Procedure, 1908 for recording the satisfaction of the consent decree dt.19.3.02. The learned counsel for the defendants has contended that as per the clause 4 and 5 of the consent order Rs.7 lacs in 7 equal instalments has been paid. However, the learned counsel for the plaintiff states that there has been a delay in making payment of the aforesaid amount and therefore according to him the

satisfaction cannot be recorded and he is entitled to execute a decree for further amount which is due and payable in the suit. It is not in dispute that the amount has been paid and plaintiff has received the said amount without any protest. In view thereof, it is not possible to accept the contention of the plaintiff that even after accepting the entire amount of the instalments they can go back on the said consent decree and execute a decree for the balance amount as per claim in the plaint. In view thereof, chamber summons is made absolute in terms of prayer clause (a) and office is directed to mark the decree duly satisfied.